

# **JOURNAL OF THE HOUSE**

## **EIGHTY-EIGHTH SESSION**

---

SECOND DAY

---

STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, January 9, 2013

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Bishop David Zellmer, followed by the Pledge of Allegiance led by House page Donald Beckwith.

Roll Call: All members present except Reps. Carson, Feickert, Killer, and Nelson who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Brian G. Gosch, Chair

Which motion prevailed.

**REPORTS OF JOINT-SELECT COMMITTEES**

MR. SPEAKER:

Your Joint-Select Committee appointed on joint rules respectfully reports that it has had under consideration the joint rules and recommends that the joint rules of the Eighty-seventh Legislative Session be adopted as the joint rules of the Eighty-eighth Legislative Session with the following changes:

Amend Chapter 12 of the Joint Rules by adding a new section to read as follows:

**12-6. Two-thirds majority vote required to repeal or amend a sunset provision in the case of a tax statute.** Any repeal of or amendment to a provision which automatically abolishes the imposition of a tax at a specified time allowing the tax to continue in force requires an affirmative vote of two-thirds of the members elect.

Amend Section 7-1.2 of the Joint Rules as follows:

**7-1.2. Committee action on bills and resolutions.** Unless otherwise ordered under Joint Rule 6D-2 1, all bills or resolutions shall be referred to one of the standing committees. The chair of a standing committee may then assign a bill or resolution to a subcommittee of that standing committee. All subcommittees shall return such bills or resolutions as are assigned to them for consideration, to the standing committee with or without recommendation and within the time which will permit the full standing committee to act upon the bill or resolution.

The joint rules and the rules of the Senate and House shall be printed in the Senate Journal.

Respectfully submitted,  
Brian Gosch  
David Lust  
Bernie Hunhoff  
House Committee

Respectfully submitted,  
Corey Brown  
Russell Olson  
Jason Frerichs  
Senate Committee

Also MR. SPEAKER:

Your Joint-Select Committee appointed to make arrangements for legislative days respectfully reports that we recommend the days of the Eighty-eighth Legislative Session be January 8 through January 11, January 15 through January 18, January 22 through January 25, January 28 through January 31, February 4 through February 7, February 11 through February 14, February 19 through February 22, February 25 through February 28, March 4 through March 8, and March 25.

Respectfully submitted,  
Jon Hansen  
Scott Munsterman  
Peggy Gibson  
House Committee

Respectfully submitted,  
Corey Brown  
Russell Olson  
Jason Frerichs  
Senate Committee

1 Also MR. SPEAKER:

2 Your Joint-Select Committee appointed for the purpose of fixing the compensation of the  
3 elective and appointive officers and employees of the House and Senate for the Eighty-eighth  
4 Legislative Session, pursuant to SDCL 2-5-8, respectfully reports that a salary schedule for the  
5 elective and appointive officers and employees has been developed and filed with the Director  
6 of the Legislative Research Council and the State Auditor.

7 In regard to the system for payment of travel expenses to legislators we respectfully report  
8 that:

9 (1) A form listing each weekend during session will be delivered to legislators. Legislators  
10 will be asked to list their travel on that single sheet which would be signed and turned in  
11 at the close of session. Also, pursuant to statute, a voucher must also be signed by each  
12 legislator requesting travel reimbursement.

13 (2) Legislators driving their own car home for a weekend will receive mileage paid at state  
14 rates (37 cents per mile). Legislators not driving home will not be entitled to  
15 reimbursement unless they leased a vehicle or somehow incurred an expense, equivalent  
16 to 37 cents per mile, in such travel.

17 (3) Legislators flying commercially will receive the equivalent of flight expenses as long  
18 as it does not exceed 37 cents per mile.

19 (4) Legislators flying charter or in their own plane will be reimbursed for actual expenses  
20 as long as it does not exceed 37 cents per mile.

21 (5) A maximum of ten trips will be considered for the 2013 Legislative Session, including  
22 the trip for the final legislative day.

23 (6) Pursuant to constitutional provisions, legislators will be paid for their initial trip to  
24 Pierre and their final trip home at the rate of 5 cents per mile.

25 Respectfully submitted,  
26 Brian Gosch  
27 David Lust  
28 Bernie Hunhoff  
29 House Committee

Respectfully submitted,  
Corey Brown  
Tim Rave  
Jason Frerichs  
Senate Committee

30 Also MR. SPEAKER:

31 Your Joint-Select Committee appointed for the purpose of conferring with the Director of  
32 the Legislative Research Council in regard to making arrangements for the distribution of the  
33 official directory, House and Senate journals and bills, and other legislative printing for the two  
34 houses and the state offices with the full power to act respectfully reports that:

1 The Legislature orders 170 copies of the Senate and House bills and resolutions (each); and  
2 150 copies of the Senate and House daily journals (each) for the Eighty-eighth Legislative  
3 Session.

4 The free distribution of sets of bills, resolutions, and daily journals shall be as follows:

5 Eight copies for the Governor's Office, thirteen copies for the Supreme Court, eleven  
6 copies for the Legislative Research Council, thirteen copies for the State Library Depository,  
7 three copies for the Attorney General, two copies for the Bureau of Finance and Management,  
8 four copies for the Secretary of State, two copies for the Department of Legislative Audit, one  
9 copy for the Code Commission, one copy for the State Treasurer, one copy for the State  
10 Auditor, one copy for the Commissioner of School and Public Lands, one copy for the Public  
11 Utilities Commission, and press copies as needed. Accomplishment of this distribution may be  
12 satisfied, in whole or in part, by obtaining electronic copies of these documents from the  
13 legislative Web site.

14 State's Attorneys and County Auditors shall receive free copies of bills and journals if they  
15 pay mailing charges at a rate of \$50 per set (bills or journals) for first-class mailing.

16 Distribution of bills and journals to state officials, boards, commissions, and institutions  
17 will be made upon request in writing to the Legislative Documents Room at a charge of  
18 \$132 per set of bills and \$175 per set of journals plus mailing charges, if applicable.

19 One copy of the official directory (red book) shall be distributed to each Senator and  
20 Representative, thirteen copies to the State Library, three copies to the Secretary of State and  
21 a copy shall also be made available to state departments and the press upon request to the  
22 Director of the Legislative Research Council. The public may obtain a copy for a fee of  
23 \$6 payable to the Legislative Documents Room.

24 One free copy of the South Dakota Legislative Index shall be distributed to the Governor,  
25 the Lieutenant Governor, the Attorney General and the Supreme Court; thirteen free copies to  
26 the State Library Depository; and one free copy to Senators and Representatives. Upon written  
27 request to the Legislative Documents Room before January 31, 2013, all other state and private  
28 entities may purchase the South Dakota Legislative Index at a cost of \$35 per copy.

29 The Chief Mailing Clerk shall upon written request furnish any individual, firm,  
30 corporation, association, or other organization with a set of House and Senate bills for \$132 per  
31 set and a set of journals for \$175 per set for the Eighty-eighth Legislative Session, plus mailing  
32 charges, if applicable.

33 Legislators may have two copies of all bills and resolutions and two copies of the daily  
34 journals distributed or mailed to constituents within the legislator's own district if constituents  
35 or legislators pay mailing charges of \$50 per set for first-class mailing.

36 Registered lobbyists shall be entitled to one copy of the official directory upon payment  
37 of the \$40 registration fee to the Secretary of State; and upon payment of an additional \$132 per  
38 set of bills and \$175 per set of journals plus mailing charges, if applicable, to the Legislative  
39 Documents Room, shall be entitled to one copy of all bills and resolutions or journals pursuant

1 to SDCL 2-12-3.

2 Bill status reports will be printed and sold to state agencies at cost and to registered  
3 lobbyists for \$200 payable to the Legislative Documents Room which receipted funds shall be  
4 used to pay the printing costs. If bill status is mailed, the cost is \$125 for first-class postage.

5 A free daily copy of the bill status report shall be distributed as follows:

6 Governor; Speaker of the House; Speaker Pro tempore of the House; House Majority  
7 Leader; House Minority Leader; House Lobby; Chief Clerk of the House; Lieutenant Governor;  
8 President Pro tempore of the Senate; Senate Majority Leader; Senate Minority Leader; Senate  
9 Lobby; Secretary of the Senate; Page Advisor; Attorney General; Bureau of Finance and  
10 Management; Secretary of State; Treasurer's Office; Auditor's Office; Office of School and  
11 Public Lands; and Legislative Research Council. Accomplishment of this distribution may be  
12 satisfied, in whole or in part, by obtaining electronic copies of these documents from the  
13 legislative Web site.

14 The Chief Mailing Clerk shall at the end of the session file a report with the Director of  
15 the Legislative Research Council of all money paid for the purchase of bills and journals and  
16 show proof of having deposited such money with the State Treasurer. Such funds shall be used  
17 to offset the costs of postage and printing of bills and journals.

18 Respectfully submitted,  
19 Jacqueline Sly  
20 Kristin Conzet  
21 Scott Parsley  
22 House Committee

Respectfully submitted,  
Tim Rave  
Ryan Maher  
Billie Sutton  
Senate Committee

23 Also MR. SPEAKER:

24 Your Joint-Select Committee appointed relative to securing chaplains for the Eighty-eighth  
25 Legislative Session respectfully reports:

26 We have conferred with the Pierre/Ft. Pierre Ministerial Association and have arranged  
27 for ministers to participate on a part-time basis under the direction of Pastor Sarah Goldammer,  
28 Lutheran Memorial Church, as chief chaplain, to serve the Senate and House as chaplains  
29 throughout the Eighty-eighth session of the Legislature. The chaplains are as follows:

30 Dan Bader, Josh Baumann, Don Block, Paul Bly, Susan Carr, Larry Cass, John Fette,  
31 Sarah Goldammer, Mercy Hobbs, David Hussey, Rolly Kemink, Karl Kroger, Wes LaBrier,  
32 Mark McCormick, Auggie Minzlaff, Sunshine Minzlaff, J. P. Mosley, Jr., Brian Nelson, Dodie  
33 Noordermeer, Brad Urbach, and David Zellmer.

34 Respectfully submitted,  
35 Scott Craig  
36 Steve Hickey  
37 Dennis Feickert  
38 House Committee

Respectfully submitted,  
Larry Rhoden  
Bill Van Gerpen  
Larry Lucas  
Senate Committee

1 Also MR. SPEAKER:

2 Your Joint-Select Committee appointed to make arrangements for a Memorial Service for  
3 deceased former members of the South Dakota House of Representatives and Senate  
4 respectfully reports that they recommend that the House of Representatives and Senate recess  
5 and convene in the House Chamber at 3:00 p.m. on January 17, 2013, and that a Joint Memorial  
6 Resolution be introduced in their memory by their colleagues in the House of Representatives  
7 and Senate.

8 A short program will follow the introduction of the Memorial Resolution. At the  
9 conclusion of the Memorial Service, the Joint Session will be dissolved.

10 The Memorial Resolution shall be printed in the House and Senate Journals.

11 Respectfully submitted,  
12 Hal Wick  
13 Scott Craig  
14 Steve Hickey  
15 Dennis Feickert  
16 House Committee

Respectfully submitted,  
Mike Vehle  
Mark Johnston  
Jim Bradford  
Senate Committee

17 Rep. Steele moved that the House do now adjourn, which motion prevailed and at  
18 1:14 p.m. the House adjourned.

19 Arlene Kvislen, Chief Clerk

20 **JOINT SESSION**

21 Pursuant to the report of the Joint-Select Committee, as found on page 17 of the House  
22 Journal, the Senate convened with the House of Representatives in the House Chamber for the  
23 purpose of receiving a message from the Chief Justice of the Supreme Court, David Gilbertson.  
24 The President of the Senate, Matt Michels, presided.

25 The following prayer was delivered by Chaplain, Bishop David Zellmer, South Dakota  
26 Synod of the ELCA, Sioux Falls, South Dakota:

27 Amos 5:21  
28 ...I take no delight in your solemn assemblies.  
29 23 Take away from me the noise of your songs;  
30 I will not listen to the melody of your harps.  
31 24 But let justice roll down like waters,  
32 and righteousness like an ever-flowing stream.

33 O God of all Creation, we give thanks for the gift of the law and for those who work to  
34 bring justice and mercy to all the people of South Dakota. We remember those who go in harms  
35 way on our behalf, we pray especially for our National Guard troops that are serving overseas,  
36 for those who govern and for those who craft the laws and for those who apply them. We ask

1 for wisdom, courage and the will to strive for justice for our Supreme Court Justices and Circuit  
2 Court Judges, our Governor and Legislators and all those who hold elected or appointed office.

3 Bless this legislative session that the words from the prophet Amos might be fulfilled.

4 In Your Holy Name we pray.

5 The Secretary of the Senate, Jeannette Schipper, called the roll of the Senate and the  
6 following members were present:

7 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman, Phyllis; Holien;  
8 Hunhoff, Jean; Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup,  
9 Al; Olson, Russell; Omdahl; Otten, Ernie; Peters; Rave; Rhoden; Soholt; Sutton; Tidemann;  
10 Tieszen; Van Gerpen; Vehle; Welke; White

11 The Chief Clerk of the House of Representatives, Arlene Kvislen, called the roll of the  
12 House and the following members were present:

13 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;  
14 Erickson; Feinstein; Gibson; Greenfield; Hagggar, Don; Hagggar, Jenna; Hajek; Hansen; Hawks;  
15 Hawley; Heinemann, Leslie; Heinert, Hickey; Hoffman; Hunhoff, Bernie; Johns; Kaiser;  
16 Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller; Munsterman; Novstrup,  
17 David; Olson, Betty; Otten, Herman; Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema;  
18 Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp, Sly; Soli; Solum; Stalzer; Steele;  
19 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch.

20 Sen. Russell Olson moved that a committee of three on the part of the Senate and a  
21 committee of five on the part of the House be appointed to escort the Honorable David  
22 Gilbertson, Chief Justice of the state of South Dakota, to the rostrum.

23 Which motion prevailed and the President appointed as such committee Sens. Brown,  
24 Russell Olson, and Frerichs on the part of the Senate and Reps. Lust, Wink, Cronin, Bernie  
25 Hunhoff and Bartling on the part of the House.

26 The Sergeant at Arms announced the arrival of Chief Justice David Gilbertson, who was  
27 escorted to the rostrum.

28 The Lieutenant Governor, Matt Michels, introduced the Honorable David Gilbertson, who  
29 delivered the State of the Judiciary Address.

30 Sen. Russell Olson moved that the Joint Session do now dissolve.

31 Which motion prevailed.